

REMARKS

Applicants have amended the FIG. 2 of the drawings to add a prior art legend, have amended the Abstract, cancelled claim 2 and amended claims 1, 3, 10, 14, 15, 21, 23, and 24 as set forth above. No new matter has been added by way of these amendments. In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office asserts the information disclosure statement filed 12 December 2005 failed to comply with 37 CFR 1.98(a)(2) because a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed was required. Accordingly, Applicants have submitted a supplemental information disclosure statement with legible copies of the previously cited references so the information referred to therein can now be considered by the Office.

The Office has objected to FIG. 2 asserting it should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Additionally, the Office has objected to drawings under 37 CFR 1.83(a) because the Office asserts they fail to show the means by which the milk not collected by the bag continues on to the milk vat as described in the specification. Accordingly, Applicants have amended FIG. 2 in accordance with the Office's suggestion to include the legend --Prior Art--. Applicants respectfully traverse the Office's other objection to the drawings because when the invention is in use milk is not collected in the vat and the specification does not contain any such statement. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this objection.

The Office has objected to the Abstract asserting the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. The Office asserts it is important the abstract not exceed 150 words in length, the form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided, and the abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. Accordingly, Applicants have amended the Abstract as set forth above in accordance with the

Office's suggestions. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this objection.

The Office has objected to claims 10-12 asserting these claims should consistently use either "liters" or "litres." Accordingly, Applicants have amended claim 10 as set forth above to recite "litres" so these claims are consistent. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this objection.

The Office has rejected claims 3, 14, 15, 21 and 23 is rejected under 35 U.S.C. 112, second paragraph, asserting: claim 3 recites the transfer system as comprising a space between collar and inlet conduit, however it is unclear if this would require two such spaces if option (a) is chosen in claim 2; "the lid" in line 1, "said fluid inlet" in line 2, and "said wall" in lines 2-3 of claim 14 lack sufficient antecedent basis; it is unclear if the conduit in the fluid inlet in line 2 of claim 14 is the same conduit as in claim 1 or an additional conduit; it is unclear in claim 15 if the inlet conduit comprising a retaining system is the same system as in claim 1 or an additional system; it is unclear if the vacuum line for collecting small amounts of liquid in claim 21 is the same vacuum line as in claim 20 or an additional line; it is unclear if the vacuum line downstream of the apparatus can be a part of the apparatus ("further comprising") and downstream of the apparatus (i.e. not a part of) at the same time; and claim 23 appears to cite a conditional action of use, but it is unclear what condition is claimed. Accordingly, Applicants have amended claims 3, 14, 15, 21, and 23 as set forth above to address each of the Office's rejections. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this objection.

The Office has rejected claims 1-9, 13 and 15-18 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,032,037 which was issued to Huber (Huber), but the Office refers to as Havigco, and claim 22 under 35 U.S.C. 103(a) as being unpatentable over Huber. For purposes of this response, Applicants assume the patent number cited by the Office was correct and the use of the name Havigco was a typographical error. The Office asserts Huber discloses an apparatus with: a flexible bag (10) comprising a collar (10x) defining an opening; a housing (20) for the flexible bag comprising an inlet conduit (29) extending into the housing for receiving the liquid from the one or more teat cups and comprising an opening (26) within the housing for delivering the liquid; a port (31) for providing a vacuum within the housing from said vacuum source; a retaining system (14 and

15) that retains the collar of the flexible bag about the inlet conduit so that the bag receives liquid from the inlet opening; and as best understood the Office asserts Havigco discloses the transfer system as a space between the collar and inlet conduit when the collar is retained about the conduit by the retaining system (the space created between collar 10x and conduit 29 when conduit is inserted).

Huber does not disclose or suggest, “the transfer system comprising at least one of: space between the collar and inlet conduit when the collar is retained about the inlet conduit by the retaining system to provide transfer of the vacuum the housing to the inlet conduit via said space; providing a pressure equalizing port in the inlet conduit” as recited in claim 1. Contrary to the Office’s assertion there is no space created between the collar 10x and the needle 29 when the needle 29 is inserted. Instead, as disclosed at col. 2, lines 26-27 in Huber which states, “. . . the other end being equipped with a similar needle that is projected through the pierceable stopper of the bottle.” This type of connection between a needle and a pierceable stopper in Huber provides a seal between the outside of the needle and the pierceable stopper when the needle is inserted. As a result, Huber neither teaches nor suggest the claimed space between the collar and inlet conduit, let alone a space that provides transfer of the vacuum from the housing to an inlet conduit via this space. Additionally, Applicants respectfully traverse the Office’s assertion that Huber discloses an apparatus capable for use with a milking machine. One of ordinary skill in the art would not look to systems for extraction and storage of blood which involve the use of needles through pierceable stoppers, such as Huber, when working with a milking apparatus which do not involve the use of needles or the extraction of blood.

In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claim 1. Since claims 3-9, 13, 15-18, and 22 depend from and contain the limitations of claim 1, they are distinguishable over the cited reference and patentable in the same manner as claim 1.

The Office has rejected claims 1-3, 5, 6, 10-12, 17, 19, 23 and 24 under 35 U.S.C. 102(b) as being anticipated by WO 1996/008441 to Todd et al. (Todd), claim 14 under 35 U.S.C. 103(a) as being unpatentable over Todd, and claims 20 and 21 under 35 U.S.C. 103(a) as being unpatentable over Todd et al. (‘441) in view of US Patent No. 3,242,903 to Karnath et al. (Karnath). The Office asserts Todd discloses: a flexible bag (200; made from a

“non-rigid plastic material,” page 4, lines 10-11) comprising a collar (210) defining an opening; a housing (100) for the flexible bag comprising an inlet conduit (119) extending into the housing for receiving the liquid from the one or more teat cups and comprising an opening (through which the conduit extends) within the housing for delivering the liquid; a port (107) for providing a vacuum within the housing from said vacuum source; and a retaining system (lug around 117, at minimum) that retains the collar of the flexible bag about the inlet conduit so that the bag receives liquid from the inlet opening; and a transfer system (see below) that transfers the vacuum from the port for providing a vacuum within the housing to the inlet conduit when the collar of the flexible bag is retainable about the inlet conduit by the retaining system.

Neither Todd nor Karnath, alone or in combination, disclose or suggest, “a lay flat flexible bag comprising a collar defining an opening” as recited in claim 1 or “providing a lay flat flexible bag comprising a collar defining an opening” as recited in claim 24. Todd only illustrates and discloses in FIGS. 1 and 3 plastic jerry can 50 and plastic jerry can 200. As the Office has noted, page 4, lines 10-11 in Todd states the second container may be formed from a non-rigid plastic material, but still makes no mention or suggestion of a lay flat flexible bag as claimed. Similarly, Karnath makes no mention or suggestion of a lay flat flexible bag as claimed.

As discussed on page 11, lines 29-30 in the above-identified patent application, “The flexible bag (1) is preferable a lay flat bag which when filled with liquid and placed on a flat surface is less than 15 cm thick, preferably 10cm thick. The use of the lay flat flexible bag also assists in the formation of the sample collection pocket described and illustrated with reference to FIGS. 4 and 7 in the above-identified patent application. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claims 1 and 24. Since claims 1-3, 5, 6, 10-12, 14, 17, 19-21, and 23 depend from and contain the limitations of claim 1, they are distinguishable over the cited reference and patentable in the same manner as claim 1.

In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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